

prop 2

Health and Safety

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds sections to the Public Resources Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear).

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Health and Safety Code, relating to farm animals, and petition the Secretary of State to submit the same to voters of California for their adoption or rejection at the next succeeding primary or general election, or at any special statewide election held prior to that primary or general election, or as otherwise provided by law. The proposed statutory amendments (full title and text of measure) read as follows.

(NO Underscore - No Bold face)

¶ SECTION 1. SHORT TITLE

¶ This Act shall be known and may be cited as the Prevention of Farm Animal Cruelty Act.

¶ SECTION 2. PURPOSE

¶ The purpose of this Act is to prohibit the cruel confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.

¶ SECTION 3. FARM ANIMAL CRUELTY PROVISIONS

¶ Chapter 13.8 (commencing with Section 25990) is added to Division 20 of the Health and Safety Code, to read:

□ CHAPTER 13.8: FARM ANIMAL CRUELTY — caps + small caps

12/1/10
 ¶ 25990. PROHIBITIONS. In addition to other applicable provisions of law, a person shall not tether or confine any covered animal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:

- (a) Lying down, standing up, and fully extending his or her limbs; and
- (b) Turning around freely.

¶ 25991. DEFINITIONS. For the purposes of this chapter, the following terms have the following meanings:

- (a) "Calf raised for veal" means any calf of the bovine species kept for the purpose of producing the food product described as veal.
- (b) "Covered animal" means any pig during pregnancy, calf raised for veal, or egg-laying hen who is kept on a farm.
- (c) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg production.
- (d) "Enclosure" means any cage, crate, or other structure (including what is commonly described as a "gestation crate" for pigs; a "veal crate" for calves; or a "battery cage" for egg-laying hens) used to confine a covered animal.
- (e) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber; and does not include live animal markets.
- (f) "Fully extending his or her limbs" means fully extending all limbs without touching the side of an enclosure, including, in the case of egg-laying hens, fully spreading both wings without touching the side of an enclosure or other egg-laying hens.
- (g) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.
- (h) "Pig during pregnancy" means any pregnant pig of the porcine species kept for the primary purpose of breeding.
- (i) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.

25992. EXCEPTIONS. This chapter shall not apply:

- (a) During scientific or agricultural research.
- (b) During examination, testing, individual treatment or operation for veterinary purposes.
- (c) During transportation.
- (d) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions.
- (e) During the slaughter of a covered animal in accordance with the provisions of chapter 6 (commencing with Section 19501) of Division 9 of the Food and Agricultural Code, relating to humane methods of slaughter, and other applicable law and regulations.
- (f) To a pig during the seven-day period prior to the pig's expected date of giving birth.

25993. ENFORCEMENT. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

172 } 25994. CONSTRUCTION OF CHAPTER. The provisions of this chapter are in addition to, and not in lieu of, any other laws protecting animal welfare, including the California Penal Code. This chapter shall not be construed to limit any state law or regulations protecting the welfare of animals, nor shall anything in this chapter prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

SECTION 4. SEVERABILITY

If any provision of this Act, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this Act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Act are severable.

SECTION 5. EFFECTIVE DATES

The provisions of sections 25990, 25991, 25992, 25993, and 25994 shall become operative on January 1, 2015.